

ISSUANCE OF RADIO OPERATOR LICENSES TO NATIONALS OF THE UNITED STATES

JULY 19, 1961.—Ordered to be printed
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Mr. MAGNUSON, from the Committee on Commerce, submitted the
following

R E P O R T

[To accompany S. 1589]

The Committee on Commerce, to whom was referred the bill (S. 1589) to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of S. 1589 is to amend section 303(1) of the Communications Act of 1934, as amended, so as to authorize the Federal Communications Commission to issue radio operator licenses to natives of American Samoa who are nationals of the United States and owe allegiance to it, but to whom full citizenship has not been extended.

GENERAL STATEMENT

This bill was introduced by the chairman of your committee at the request of the Department of Interior for the main purpose of enhancing safe and efficient navigation by the use of radio in the American Samoa area.

Under existing law (sec. 303(1) of the Communications Act) the Federal Communications Commission may issue radio operator licenses only to citizens of the United States and in certain cases to foreign nationals in the field of aviation.

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Section 303(1) of the Communications Act of 1934, as amended, reads as follows:

(1) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens of the United States as the Commission finds qualified, except that in issuing licenses for the operation of radio stations on aircraft the Commission may, if it finds that the public interest will be served thereby, waive the requirement of citizenship in the case of persons holding United States pilot certificates or in the case of persons holding foreign aircraft pilot certificates which are valid in the United States on the basis of reciprocal agreements entered into with foreign governments;

According to the Department of Interior, the inability of nationals of the United States to obtain operator licenses imposes a serious handicap upon shipping in and from the waters of American Samoa, since numerous privately owned craft are manned by Samoans who are U.S. nationals but not citizens.

Under this bill the Federal Communications Commission will be empowered to issue radio operator licenses to the nationals of the United States as well as to citizens.

The Samoan people owe complete allegiance to the United States, have proved their loyalty for almost 60 years under the American flag and have served their country bravely on many battlefields. Your committee knows of no reason why these nationals should not be equally eligible with citizens to obtain radio operator licenses.

Your committee therefore urges the enactment of this legislation.

AGENCY COMMENTS

The comments of the U.S. Department of the Interior, Federal Communications Commission, Department of Justice, and Comptroller General of the United States are set forth below:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., April 3, 1961.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill, to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States.

We suggest that this bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

If this bill is enacted, the Federal Communications Commission which now has statutory authority to issue radio operator licenses only to citizens of the United States, will be empowered to issue them to nationals of the United States as well. The persons whom the bill is intended to affect are those natives of American Samoa who are nationals of the United States and owe allegiance to it, but to whom full citizenship has not been extended.

Under the authority of the Communications Act of 1934, as amended (47 U.S.C. sec. 151 *et. seq.*), the Federal Communications Commission requires operators of transmitting stations in the territories (other than operators of those stations owned or operated by the United States) to be licensed by the Commission. Section 303(1) of the Communications Act of 1934, which governs the matter, authorizes the issuance of radio operator's licenses to citizens of the United States, and in certain cases, licenses to foreign nationals in the field of aviation.

The inability of nationals of the United States to obtain operator's licenses imposes a serious handicap upon shipping operating in and from the waters of American Samoa. The efficient and safe operation of the numerous privately owned craft manned by Samoans of American nationality will be greatly enhanced if section 303(1) of the Communications Act of 1934 is amended to permit these Samoan nationals of the United States to operate radios.

The Samoan people owe complete allegiance to the United States and have proved their loyalty through almost 60 years under the American flag and have served their country bravely on many battlefields, and no reason is perceived why these nationals should not be equally eligible with citizens to obtain radio operator's licenses.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Sincerely yours,

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

COMMENTS OF THE FEDERAL COMMUNICATIONS COMMISSION ON S. 1589,
87TH CONGRESS, 1ST SESSION, A BILL TO AMEND THE COMMUNICA-
TIONS ACT TO AUTHORIZE THE ISSUANCE OF RADIO OPERATOR LICENSES
TO NATIONALS OF THE UNITED STATES

S. 1589 would amend section 303(1) of the Communications Act of 1934, as amended, by inserting the words "or nationals" immediately following the words "citizens" so that section 303(1) would read in part:

"Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens or nationals of the United States as the Commission finds qualified * * *."

This bill was introduced at the request of the Department of the Interior for the main purpose of enhancing safe and efficient navigation by the use of radio in the American Samoa area. The inability of nationals of the United States to obtain operator licenses imposes a serious handicap upon shipping in and from the waters of American Samoa since numerous privately owned craft are manned by Samoans who are U.S. nationals but not citizens.

If this bill is enacted, the Federal Communications Commission, which now has statutory authority to issue radio operator licenses only to citizens of the United States and in certain cases to foreign nationals in the field of aviation, will be empowered to issue them to nationals of the United States as well.

The Commission, mindful of its statutory duty to promote safety of life and property through the use of wire and radio communications, favors legislation such as this which would make for safer and more efficient navigation in the Samoa area.

Upon amendment of the act as proposed, the Commission probably would be called upon to conduct examinations for operator licenses in Samoa. Doing so would involve some additional expense to the Commission since the nearest place at which the Commission maintains a field office is Honolulu. In other such remote places we have had the assistance of other Federal Government agencies, such as the Navy and the Signal Corps, in conducting examinations. When these agencies conduct examinations for the Commission, it is spared some of the expense that would otherwise be required if its field engineers were sent for this purpose. It is hoped that such assistance could be obtained in Samoa.

Adopted June 7, 1961.

DEPARTMENT OF JUSTICE,
Washington, D.C., July 13, 1961.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR: This is in response to your request for the views of the Department of Justice concerning the bill, S. 1589, to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States.

Under existing law the Federal Communications Commission has authority to issue radio operators licenses to citizens of the United States. The proposal would authorize the issuance of such licenses to "nationals" of the United States as well. The term "national of the United States" is defined in the Immigration and Nationality Act (66 Stat. 163, 169; 8 U.S.C. 1101(a)(22)) to mean "(A) a citizen of the United States, or (B) a person who, though not a citizen of the United States, owes permanent allegiance to the United States."

It is understood that the bill is intended primarily to permit Samoan nationals of the United States who operate craft in and from the waters of American Samoa to operate radios.

The subject of this legislation is not a matter for which the Department of Justice has primary responsibility, and accordingly we make no recommendation as to its enactment.

Sincerely yours,

BYRON R. WHITE,
Deputy Attorney General.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., April 21, 1961.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: By letter dated April 14, 1961, acknowledged April 17, you requested our comments on S. 1589.

This measure, if enacted, would further amend the Communications Act of 1934 so as to authorize the issuance of radio operation licenses to nationals of the United States.

We have no special information concerning the need for such a measure and consequently have no comments to make with respect to the enactment of S. 1589.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows: (new matter is printed in italic; and existing law in which no change is proposed is shown in roman):

COMMUNICATIONS ACT OF 1934, AS AMENDED

GENERAL POWERS OF THE COMMISSION

SEC. 303. * * *

- (a) * * *
- (b) * * *
- (c) * * *
- (d) * * *
- (e) * * *
- (f) * * *
- (g) * * *
- (h) * * *
- (i) * * *
- (j) * * *
- (k) * * *

(l) Have authority to prescribe the qualifications of station operators, to classify them according to the duties to be performed, to fix the forms of such licenses, and to issue them to such citizens *or nationals* of the United States as the Commission finds qualified, except that in issuing licenses for the operation of radio stations on aircraft the Commission may, if it finds that the public interest will be served thereby, waive the requirement of citizenship in the case of persons holding United States pilot certificates or in the case of persons holding foreign aircraft pilot certificates which are valid in the United States on the basis of reciprocal agreements entered into with foreign governments;